

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARDS OF TRUSTEES OF THE
CEMENT MASONS & PLASTERERS
HEALTH & WELFARE TRUST, *et al.*,

Plaintiffs,

v.

KELAYE CONCRETE LLC, a
Washington limited liability company,
UBI No. 603213162, Contractor's
License No. KELAYCL876K2,

Defendant.

NO. 2:15-cv-01866-RAJ

**DECLARATION OF NOELLE
DWARZSKI IN SUPPORT OF
PLAINTIFFS' MOTION FOR ORDER
OF DEFAULT**

NOELLE E. DWARZSKI declares and states the following:

1. I am one of the attorneys for the plaintiffs herein and am authorized to submit this declaration in support of the foregoing motion.

2. As shown by the declaration of service on file herein, a copy of the Summons and Complaint were served on defendant Kelaye Concrete LLC on December 4, 2015. *See* Docket No. 4.

3. More than twenty-one days, exclusive of the date of service, have elapsed

DECLARATION OF NOELLE DWARZSKI –
Cause No. 2:15-cv-01866-RAJ - 1

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1 since said service and the defendant has not appeared and has not filed a responsive pleading
2 or made an application for any order and is, therefore, in default.

3 4. Plaintiffs believe, and therefore allege, that the defendant is neither an infant
4 nor incompetent. The defendant is a corporation and therefore not in military service and is
5 not a dependent of a service member in the Armed Services of the United States.

6 5. The Trust Agreements governing the organization and administration of the
7 plaintiff Trust Funds provide that venue for this action shall be laid in a court of competent
8 jurisdiction (federal or state) in the county, district, or borough in which the Trust Funds have
9 an office, at the option of the Trustees. The administrative office for these Trusts is located in
10 King County, Washington.

11 I certify under penalty of perjury of the laws of the State of Washington that the
12 foregoing is true and correct.

13 DATED at Seattle, Washington this 25th day of March, 2016.

14 /s/ Noelle E. Dwarzski
15 Noelle E. Dwarzski
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on this 25th day of March, 2016 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to all parties registered with CM/ECF in this matter. Defendant Kelaye Concrete LLC has not appeared in this matter.

Dated this 25th day of March, 2016, at Seattle, Washington.

/s/ Noelle E. Dwarzski

Noelle E. Dwarzski, WSBA #40041
McKENZIE ROTHWELL BARLOW
& COUGHRAN, P.S.
Attorneys for Plaintiffs